

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT LIERMAN,

Case No. 15-cv-835-pp

Plaintiff,

v.

COAST PROFESSIONAL, INC.,

Defendant.

**ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION TO COMPEL
DISCOVERY (DKT. NO. 23), AND ORDERING DEPARTMENT OF
EDUCATION TO PRODUCE DISCOVERY BY DATE CERTAIN**

On April 4, 2016, the plaintiff filed an unopposed motion, asking the court to compel the United States Department of Education to produce documents relating to the plaintiff’s student loans. Dkt. No. 23. According to the motion, the plaintiff served a subpoena on the DOE on October 23, 2015, seeking production of the document. The DOE declined to produce the documents for a variety of reasons, and suggested that the plaintiff file a Freedom of Information Act (“FOIA”) request. *Id.* at 1, Exhibits A, B. The plaintiff filed a FOIA request in late December, 2015, *id.*; as of the date of this order, the DOE has not turned over any documents in response to that request despite the plaintiff’s counsel having confirmed in January 2017 that the DOE had received it, *id.* at 2.

On May 4, 2016, the court held a hearing on the motion to compel. Dkt. No. 24. The court asked whether the plaintiff had considered advising the DOE

that he consented to the DOE releasing the documents. Counsel for the plaintiff indicated that he had not tried that, and agreed to do so. Id.

On February 3, 2017—not quite sixteen months after the plaintiff served the subpoena—the plaintiff filed a status report and request for a status conference. Dkt. No. 29. The report indicated that counsel had contacted an Attorney S. Dawn Scaniffe to ask what the DOE needed in the way of consent to release documents. It took a number of attempts before counsel reached Attorney Scaniffe; once he had, the plaintiff's counsel provided the appropriate consent documents in early June, 2016. Id. at 1. The status report indicated that, as of February 3, 2017, the DOE had not provided the documents. Id.

Today—February 28, 2017—the court held the status conference. Counsel for the plaintiff informed the court that the DOE had produced nothing in response to the consent, despite counsel's having reached out by both telephone and e-mail. Counsel for the defendant indicated that she, too, wanted to see the documents.

The plaintiff has been trying to obtain his student loan documents from the DOE for sixteen months. He has filed a FOIA request, with no result, and has provided his consent (almost two months ago), with no result. The court has no alternative but to order the DOE to provide the requested documents.

The court **GRANTS** the plaintiff's unopposed motion to compel. Dkt. No. 23. The court **ORDERS** that by the end of the day on **Friday, April 28, 2017**, the Department of Education shall produce to counsel for the plaintiff, Robert Lierman (11910 W. Mill Road, Apt. 22, Milwaukee, WI 53225-1046) all periodic

statements sent by the Department of Education to Robert Lierman from July 9, 2010 through the present; payment histories from July 9, 2010 through the present all accounts related to plaintiff Robert Lierman, including but not limited to loans with account numbers ending in -5551; -5541; -5560; -5542; -2757; -8980; -7527; and -6748; and all documents relating to the plaintiff's account, including loan notes, records of payments, agreements, the issuance of monthly statements, records regarding his account, and any correspondence sent to him.

If the Department of Education does not produce these documents to the plaintiff's counsel by the end of the day on Friday, April 28, 2017, the Department or its representatives may be subject to sanctions, including an order to compel, an order to show cause, or other court action.

Dated in Milwaukee, Wisconsin this 28th day of February, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge